

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
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July 20, 2020

The City Council of the City of Gardner, Kansas met in regular session on July 20, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Police Captain Lee Krout; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; Planner Robert Case; City Engineer Tim McEldowney; Human Resources Manager Alan Abramovitz; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in. Council Vice President Rich Melton was absent.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim the month of July 2020 as Park & Recreation Month in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that the month of July 2020 be known as Park & Recreation Month in the City of Gardner, Kansas.

2. Presentation on the Waverly Road Project, 175th to Madison

City Engineer Tim McEldowney provided an update to the Waverly Road project, and brought fourth items that may need attention and direction from the governing body. The original project was Waverly, at Santa Fe/175th north to Madison. It does not include the intersection at Santa Fe, because that's part of the current project, but does include reconstruction of the intersection at Madison St. As they got into the Santa Fe project, they found that Waverly south of Santa Fe is deteriorating rapidly. Crews have patched often. As an Alternate #1 to the project, they could include structural improvements to that section of road. Additionally, on the north end, they could look at additional work there, widening the road from Madison north to Fountain St. The reason would be to provide better access for the school and extend the three-lane section past the school entrance. The main purpose of the presentation today is the intersection of Waverly and Madison. Kristen Leathers-Gratton, with Affinis Corporation, will go over more of the details.

Ms. Leathers-Gratton stated they are working on the base project of Waverly, north of Santa Fe, to and including the intersection at Madison. There is congestion during the school year during peak hours. They conducted traffic counts to perform a traffic study. The first question was 'can a signal be installed to alleviate congestion?' There are 8 warrants, or criteria, to meet to justify a signal installation. The first four warrants were not met and it was determined a signal was not warranted. They are already widening the street to three lanes allow for a dedicated left turn lane north and south, which will alleviate some of the backup for through traffic, but there are other improvements that can be made.. Madison is the stop condition; Waverly is the through street. Leathers-Gratton shared the Level of Service classifications scale rated on delays by second per vehicle. She showed the current configuration illustrating that Waverly is a Level A service, but Madison is a variation of lower levels. Breckenwood development is preparing to begin to the west and add additional traffic on Madison. Adding those counts to the current configuration worsens the level of service on Madison. She illustrated a proposed improvement of a three-lane section on each side of the intersection, as Madison is wide enough to stripe for a dedicated left-turn lane. At the 2020 level of service, Waverly maintains an A, while Madison straight through east and west are a B/C level, and Madison left-turns are lower levels. Looking to 2040 and those left turns fall to a level F, or a long delay. Another solution would be a 4-way stop, since a signal is not warranted. With that, Waverly straight through is level A/B. East and west lanes improved to B or A. In 2040, Waverly through lanes reduce to a level C. In this way, it is equitable across all lanes, but this is looking at a peak hour. Waverly is looking at another 22 hours of the day with through movement and people will be stopping even if there's not traffic on the east/west lanes. Issues will be driver impatience, rolling through the stop sign, which are safety hazards for a 4-way stop. Another solution is a

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roundabout. Public Works Director Kramer and City Engineer McEldowney brought this solution forward. It's a viable option that improves driver safety and pedestrian safety, and minimizes congestion through the intersection during peak hours. Current year volumes all four legs would be level A. In year 2040, the majority of the legs have a level A, with only a level B on the south leg, because from the north, entering the roundabout to turn left to go to the schools, there's more traffic coming through the circle and the south leg may wait to make their right turn. With this, all are performing well and are more equitable across all four legs. The roundabout is the best option, if congestion is concerned. There are fewer conflict points, good visibility across the circle, reduces the chance of an injury accident, promotes slower speeds, keeps traffic moving, provides a refuge islands for crossing pedestrians, paved apron on the middle would allow for encroachment for large vehicles, although it's configured for buses and emergency vehicles to not need that encroachment. Roundabouts are prevalent throughout the metro, and there is one on Grand and White Drive.

Ms. Leathers-Gratton said base project original budget was \$3 million. They determined they could do a widening as opposed to a full pavement replacement, and kept an open ditch section instead of curb and gutter. This resulted in significant savings that allowed for flexibility in the budget. The base project costs for Waverly Road is around \$2.2 million, based on current bid prices with a 15% contingency. The additional roundabout cost is \$514,000. The other pieces mentioned, Alternate 1 south to 56 and Alternate 2, north to Fountain St. Alternate 1 would be \$872,000 and Alternate 2 would be \$221,000. The total project would be around \$3.8 million.

Councilmember Baldwin asked if the south option needs a complete reconstruction, how much would the city save now versus waiting 2-3 years. Ms. Leathers-Gratton said there would be inflationary costs, and if it's done as part of this project there is economy of scale by having the contractor mobilized once. They could phase it in such a way to not hinder school traffic.

Mayor Shute said that it's \$800,000 not currently budgeted. Finance Director Wolff said they will have to model it out in the special highway fund. There are a lot of projects schedule out in the 5-year CIP. They plan to use most of the fund balance paying debt service over time. McEldowney noted there are other options for intermediate improvements that could buy some time, if they chose other things that are more important. Councilmember Baldwin noted if they remove the south piece, it's on budget and they get the roundabout. He recommends they delay the south piece for a few years, as budget changes or development comes in. McEldowney said they can set chunks aside as alternates when bidding, then when the bids come in, they can make a better decision.

Councilmember Gregorcyk appreciated the presentation. He is concerned with the intersection at Waverly and 56 Hwy. There is a large amount of heavy truck traffic, and the angle of the intersection is bad. If there's an inexperienced driver, it is hazardous. The roundabout fixes the immediate issue, but 56 and Waverly is a concerning intersection. Mayor Shute said there is room for discussion for that on a future project, but it's not part of this discussion. McEldowney said they have done some preliminary work with KDOT to look at improvements. KDOT wanted to realign Waverly to meet 56 at a right angle, which is a benefit. Staff had consultants look at keeping the existing alignment and making alternate safety improvements to make turning safer, but it will be pricey. Gregorcyk said realignment was discussed in recent years, and he would like to keep that on the list of priorities.

Councilmember Roberts likes the roundabout possibility. She also likes how they can bid alternates and get better prices to add on to the base project.

Councilmember Winters likes the roundabout and said this is a good place for it.

Mayor Shute asked how much consultation they had with fire department and school district. He knows there have been concerns in the past with emergency vehicles getting through. McEldowney said they have not reached out to either entity yet. If the roundabout is what they choose, he will contact them and work with them. Regarding fire trucks, that's something they will work through with the fire department, if they have concerns about the size of the radius. Shute said they expressed concerns about the roundabout at White and Grand. He wants to make sure they are kept in the loop. McEldowney said the apron around the middle is a nice feature to keep the roundabout smaller, but allow a buffer for emergencies. Shute asked if the apron would get torn up, as that's been seen before, damage from large vehicles. McEldowney said it can be a maintenance issue, but it would be a rare occurrence.

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Mayor Shute asked if staff is looking for consensus. McEldowney said yes, but it sounds as if the roundabout is a go, and they will also bid with alternates. They will come back to council with the bids and determine what they will build. Shute asked to be kept informed of the discussions with the school district and fire department.

PUBLIC HEARING

PUBLIC COMMENTS

Jeremy Thurston, 653 E Apache St., submitted a comment via email, read into record as follows: I would suggest to council that providing a city wide clean up service at an estimated cost of \$55,000 is neither a prudent use of tax dollars in this current environment, nor does it seem to fit under what limited services government should provide, based on the philosophies of at least a few members of the Governing Body. If you are serious about keeping spending under control, this would seem to be an easy and obvious, albeit potentially unpopular, item to remove from our expenses. Thank you for your time.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on July 6, 2020.**
2. **Standing approval of City expenditures prepared July 2, 2020 in the amount of \$83,269.05; and July 10, 2020 in the amount of \$510,749.56.**
3. **Consider authorizing an amendment for easement acquisition and support as part of the Hillsdale Expansion Project**
4. **Consider appointing a City of Gardner representative to the Kansas Municipal Gas Agency Board of Directors**
5. **Consider authorizing the execution of a contract with Gardner Disposal, Inc. for the 2020 City-wide Clean Up**

Councilmember Gregorcyk asked to remove Item 5 from the Consent Agenda.

Councilmember Winters made a motion to approve items 1-4 on the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 5, Consider authorizing the execution of a contract with Gardner Disposal, Inc. for the 2020 City-wide Clean Up

Councilmember Gregorcyk noted the projections versus budget amount, and not being able to monitor on the fly, he doesn't think they should spend \$55,000. They could bring this to a work session and discuss. This is not a good use of taxpayer money. Mayor Shute asked City Administrator Pruetting about the costs and what the overruns are each year. Pruetting noted they didn't have limitations on tonnage before. The amount indicated in the CAF is accurate. The price per ton is the major concern. There is only one bidder, and the price has gone up significantly. The collectors won't go through items; their job is get through as much of the community as they can as quickly as possible. Limiting and keeping tonnage down below the projected \$77,000 will be difficult. Shute noted there have been more home improvement projects that will add to the refuse. Councilmember Winters noted some of those items aren't allowed. Shute asked how they will police that. Winters said if they know they aren't picking up construction material, it's easy to leave it. They can't monitor tonnage as they go, but they can leave the items that are not allowed. Pruetting said that's only if the materials are separated, but it's easy to comele those items.

Mayor Shute asked about other options if they do not approve this. Pruetting suggested they can point them to private services. A resident told Pruetting she called a company and they came out when she requested and it

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was \$15. There are other options through several companies. Councilmember Gregorcyk said there are alternatives available versus being supplemented through at tax-funded cost. Councilmember Roberts recalled a time in the past when they stopped providing this service. There are other options. They may need a work session to discuss. They may consider offering this service every other year, as opposed to every year. There may be more limitation or seek other bidders.

Mayor Shute is in favor of suspending it for this year, pending further discussion for other options. Councilmember Winters doesn't think they need a work session. Councilmember Roberts said she would say no for this year, but maybe other years there is a possibility. She's not sure if it's a work session, but there could be other alternatives. Councilmember Baldwin asked of the people that use this service, how much are the taxpayers paying for each of those residents' pick-up. At a certain point, it's cheaper for them to have called a company themselves. He doesn't believe this is a service the city should be paying for. He shouldn't have to pay for another person's trash. The taxpayer should not be subsidizing other taxpayers for their trash. The city does not have a recycling program, like Olathe. They could have different companies come in once a year, like an electronic scrap day, and that may reduce the amount they need to have hauled away. Baldwin is in favor of pulling this from this year.

Mayor Shute noted the amount per ton has gone up considerably over the last several years and is putting a burden on the budget. Councilmember Gregorcyk noted budget projections showed \$600,000 in lost revenue and this contract is more than 10% of that. They need to make good financial decisions, and he moves to remove this item. Councilmember Winters noted this is already in the budget. Director Wolff confirmed it's in the budget. Pruetting said it was a contingency item to be discussed later, and now is the time for discussion. Gregorcyk clarified the budgeted amount was \$55,000. They are at \$77,000 currently. Pruetting said that was the estimate before they put limitations in place, but the tonnage cost went up 30% in one year. Winters asked if the tonnage cost increase was just discovered. Director Kramer said they bid in the spring; Gardner Disposal's price was \$220 a ton. They revisited it recently, and the price was the same. Gardner Disposal uses the Olathe Transfer station, and their costs have more than doubled since 2017. Kramer noted that other cities that offer this type of program are facing similar issues and are making major changes or eliminating the program.

Mayor Shute said it's hard to justify. They can remove it from the agenda, and revisit next year or look at other alternatives. They don't need a motion; they can strike it and not consider it. Is there consensus to do that? Councilmember Winters said no. Shute noted, but there is a majority. The item was struck from the consent agenda.

PLANNING & ZONING CONSENT AGENDA

- 1. Consider accepting the dedication of right-of-way and easements on final plat FP-20-02 for Prairie Trace Meadows, 1st Plat**
- 2. Consider accepting the dedication of right-of-way and easements on final plat FP-20-03 for Prairie Trace Estates, 1st Plat**

CA Pruetting noted they will pull Item 2 and make a modification regarding easement.

Councilmember Baldwin made a motion to approve Item 1 on the Planning & Zoning Consent Agenda.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion on item 2: Consider accepting the dedication of right-of-way and easements on final plat FP-20-03 for Prairie Trace Estates, 1st Plat

City Attorney Denk said since this was passed at the Planning Commission, they have had further discussion with WaterOne about the nature of the easement they require for the installation of the water main. There is a 15-ft utility easement west of Clare Rd. Per WaterOne specifications, they require 20 feet. City Administrator Pruetting spoke with the developer, and Denk requests a stipulation be added to the acceptance of dedications of right-of-

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way and easements that revised a drawing and showing a 20-ft utility easement west of Clare Rd be reflected on the revised drawing.

Councilmember Winters made a motion to accept the dedication of rights-of-way and easements on the revised final plat for Prairie Trace Estates 1st Plat, FP20-03, as amended to include language for a 20-ft easement west of Clare Road.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried as amended.

COMMITTEE RECOMMENDATIONS

1. Consider adopting an ordinance amending provisions of Chapter 13.35 of the Gardner Municipal Codes relating to Inflow & Infiltration and Fats, Oils and Grease Discharge (FOG) programs

Utilities Director Gonz Garcia said this item came about in 2017. The wastewater master plan was updated and it was recommended the city implement two programs, the Inflow & Infiltration (I&I) program and the Fats, Oils & Grease (FOG) program. The I&I program was adopted in 2018. The current Gardner Municipal Code was reviewed and found to have no references related to preventing I&I or FOG. Staff recommends amending Chapter 13.35. It was presented to the UAC on June 6, and they approved a recommendation to council for the amendment. Because of questions the raise, staff prepared a presentation to highlight the points of the ordinance. Garcia said Section 13.35.095 states "No person shall make connection, either directly or indirectly, of roof down spouts, interior or exterior foundation or footing drains, area drains, crawl space drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected to a public sanitary sewer or to a public sanitary sewer directly. Nor shall any person break, damage, destroy, uncover, deface, tamper with, alter or substantially impair the use of any fittings, joints, plugs, caps, or part of a plugged building drain or building sewer to prevent inflow from such sources directly or indirectly into the public sanitary sewer system", making illegal connections not allowed. Garcia transferred the presentation to Utility Senior Staff Engineer Jeff LeMire.

LeMire said the program pertains to the Food Service facilities within Gardner that create Fats, Oils, and Grease. This Code addition is being proposed to help minimize the impacts to the collection system for the health and safety of residents and businesses downstream from the source of the FOG. Currently, Line Maintenance is spending 2 weeks a month performing monthly inspections pertaining to Fats, Oils and Grease as well as root and low points within the system where FOG collects. This is typically a crew of 3-4 line maintenance staff performing this work, which is approximately 160 hours a month, 1,920 hours a year. This manpower could be focused on other tasks. The FOG program being outlined in the Code addition will provide permitting, design requirements, processes and procedures for cleaning, handling failed systems, inspection, and tracking of these items. To help prevent the blockages, spills and lower O&M costs, grease interceptors will be installed at food service facilities to prevent FOG from entering the system. Major restaurants like McDonald's, Burger King, KFC, just put in a larger interceptor last year. They followed the Johnson County Wastewater (JCW) regulations, and that's what this system is being based on. In addition to staff spending two weeks a month on FOG and root maintenance, that staff is also going to lift stations with the wastewater treatment staff to clean out grease clog. JCW uses the permit process staff are proposing with an annual permit fee of \$348. Olathe funds the program through building permits and system development fees. City of McPherson uses a monthly fee based on the wastewater-billing category of \$100 or \$110 per month charged to those facilities. Staff recommends a permit process and annual permit fee following the JCW program that is the basis of most programs in the area. As stated, the Code will be an annual permit fee based system that allows multiple options to deal with collecting FOG before it enters the collection system. There are variances, waivers and interceptor design options depending upon the business type, location and discharge rates of the facilities. The proposed fee is \$250, and covers the initial development review, the first year of operation fees, and inspection. If a business has a failure and needs to repair, that \$250 fee will be assessed to that year's annual rate. City staff will be performing inspections, providing businesses with information packets to educate them through the inspection and tracking process. This code also covers the re-inspection fee schedule. The code has specific design standards and this information will be uploaded to the Utilities website along with other educational

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materials. Existing facilities will be exempt from the code, provided they are not found to be contributing to the FOG system. If they are found to be contributing to FOG, their facility will be inspected. If deficiencies are found, they will receive a notice with recommended maintenance or additional training for on-site staff or additional BMPs added to their system. If they can't become compliant using those methods, then they must come into full compliance within two years, allowing time to budget and plan. The code also allows for alternative grease removal systems, which requires a variance process outlined in the code. Staff will need to be trained to perform these inspections, and will work with JCW. City staff will shadow them on inspections.

Councilmember Gregorcyk asked how many commercial businesses would be affected by this. LeMire doesn't have that list today. He will work with other city staff to create the list and make contact. Gregorcyk said once the list is created and contact made, they would have two years to be compliant. LeMire said only if they are found to contribute to the FOG. Gregorcyk asked if church kitchens would be required. LeMire and City Attorney Denk said those are not commercial businesses. Gregorcyk asked what the penalty is if the business is not in compliance in two years. He didn't find any non-compliance fee or enforcement actions. Denk said it's a required permit to operate a food service. Gregorcyk clarified if they don't get the permit, they don't get to open.

Councilmember Baldwin asked with the normal cleaning process is it possible to determine who is contributing. Is it possible, instead of everyone paying an inspection fee years for something they may not be doing, that staff can determine who is at fault? LeMire said with the CCTV system in place, staff can narrow it down. Baldwin said having an additional business fee 'just because' isn't good. If they can determine a business has this problem it would be better to go after contributors rather than have all pay a fee for something they aren't contributing to. Councilmember Winters concurred. Mayor Shute said any businesses existing before this code, unless there are FOG issues. LeMire said there are exemptions for existing businesses. They have to come into compliance if staff finds their business is producing FOG. Baldwin said if they do that for the pre-existing, the new should fall under the same umbrella. Why charge a new business tomorrow a \$250 fee if they are not charging one yesterday and still use the camera to find out if they are in compliance? Councilmember Roberts asked if they would just have new businesses install the right gear as part of the permitting process. LeMire said, during permitting process, new businesses meet with Planning to discuss requirements. The FOG program is worldwide. Shute said the FOG program is important, but why issue another permit fee, in addition with other permit fees currently for new businesses when the requirements are already part of the planning process. Baldwin said they can update design standards to enforce that. City Attorney Denk said when discussing the appropriate fee, it needs to be representative of the city's costs in doing the inspections. It's not just a fee that isn't associated with city activity and city inspection. After the first time, there's continued re-inspection. LeMire said there would be an annual inspection. The plan is to divide the city into quadrants and inspect quarterly to ensure compliance. Many communities provide annual inspections. Shute noted the plan review fee imposed on the business for that portion of the plan review. LeMire said the fee is to review and ensure the appropriate devices are installed and that \$250 would be their fee for that year. Shute said then they would assess them a \$250 annual fee every year after that. Roberts said existing businesses, if inspected, don't have to pay the \$250 fee because they are grandfathered in. LeMire said they are, unless they are found to have FOG issues. Baldwin said they can add design standards. If there is additional overhead for the initial inspection, the inspection fee can be slightly higher, but to have a large fee upfront and ongoing is unnecessary. LeMire said that's why he looked to neighboring communities. Olathe covers it through development processes, but JCW is the model staff proposed. They use a fee of \$348. McPherson charges \$100-\$110 per month. Baldwin asked if JCW charges a fee because they don't charge penalties for non-compliance? LeMire said in this there are no fees, but businesses can be shut down as part of the permit. Baldwin said they should have a fine schedule instead. There isn't a lot of overhead because the city already inspects. If there's an issue and the city has to clean it out, then the city needs to recoup that and they pay a fine. Shute said they can punish violators and not just all businesses. Gregorcyk asked if staff is able to pinpoint one specific business being a contributor? LeMire said there are some businesses that staff can pinpoint. Gregorcyk said to Baldwin's point, penalize them or shut them down. LeMire said this code allows staff to inspect, and they can find devices that are clogged or not working properly. Gregorcyk noted the plan review fee, is that to recoup labor costs or built around a comparable fee in the city's fee structure? LeMire said they looked at other city fees. Shute asked if they could look Olathe's system that is part of the development fees for different types of businesses. If there's a need to inspect, they will be done on a need by

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need basis. The city already permits based on type of business classification. This would be simpler for businesses. Baldwin said they can check upfront on what they need to be open. The city can educate on better use of the system. Denk said the way the ordinance is written for permitting requirements for existing grease interceptors is there is a require annual permitting process under Subsection D. Each year they have to re-permit and satisfy the requirements of that section. There will be staff time associated with that. Shute said they can take that into consideration with the permitting development fees the city currently has. Baldwin asked why they would need to revisit every year with normal inspections of the system. When they find evidence of something, there's probably cause to start looking further. That's when they adjust the fine structure, if one is created, that would cover the additional manpower. LeMire said annual line inspection does not cover every line every year. It takes 5-6 years to hit every line. Denk said with this code, it's not installed and done; the ongoing regular maintenance requirements and verification that the hauler is recognized by the county and city, and that can change year over year. LeMire added that they take it to a place that will treat it appropriately. Baldwin said they can collect information and send in a form that updates who is handling it. They could update on file every year, and if they don't update, the city won't issue a permit. They don't have to be charged; the city isn't doing any work. Winters clarified that existing businesses will be inspected and if staff suspects they are contributing to FOG, they can investigate further, but other than that, there are no fees. Shute said existing businesses are grandfathered in. Roberts said new businesses are required to pay the permit fee every year. Winters said once they've paid the first year and had the initial inspection, they become an existing business.

Mayor Shute said they may have consensus to review and model after the Olathe program and revisit at a later meeting. Director Garcia asked which fees they would like removed, and then summarized the fee schedule. Shute said they want to review fees one and two. That is the plan review fee and whether or not they assess that for every food service business coming into the city in addition to their existing food service permitting fees already paid; and the operating fee charged on an annual basis to get a permit. Baldwin said he understands it's being proactive, but if one is getting checked and one is not, there will have to be further inspection to determine how much is being contributed. They will need a fine schedule for a big contributor to the problem. Everyone pays \$250, but if one business contributes 10 times as much as another, that business should be paying a bigger percentage of the cleanup cost, and the operating fee goes away. Gregorcyk clarified that the plan review fee of \$250 in addition to the operating fee of \$250 for a total of \$500. Denk said no, the permit fee would be waived the first year. Gregorcyk suggests eliminating the plan fee and increasing the inspection fee. Baldwin clarified it as a re-inspection fee. Gregorcyk would eliminate the operating fee. Gregorcyk asked about re-inspection fees, they have \$100 for the first re-inspect, then \$200 for the 2nd, and \$300 for the 3rd. Baldwin wouldn't change them, but add penalty fines after the inspection. Shute said if they have staff costs for cleanup of a violator, it is tacked on as a penalty. Gregorcyk noted staff hours, will they recoup 50% or 100% in that fee? Baldwin said no one fee ever recoups at 100%. They would need to collect data. LeMire asked if they are they still inspecting annually. How will staff know if a system didn't break down months ago, and it's been treated. Winters asked how would they know on existing businesses. LeMire said when they do line inspections, they would find it, but don't know when the FOG began. Baldwin said it could be 5-6 years when we find out. Shute asked how Olathe handles inspections. LeMire said they inspect commercial and industrial lines annually. Shute asked if the city can manage with existing resources and eliminate the fee. LeMire said it's not being performed currently, but the new position currently advertised would be working on this program. Baldwin said if they have the operating fee with the inspection, there's potential they could have three years with a business out of compliance. Can staff get back to those particular lines more quickly than 5-6 years, preferably 3 years, and what is the impact to line maintenance staff? LeMire said the major grease contributors' lines are being flushed every month. They have a good idea of what businesses need inspection now. Baldwin said if they provide education to those causing issue and they clean it up, then staff will notice an improvement on monthly flushing and free up staff to do more of the annual inspection. LeMire said that could reduce the time from 5-6 years to 2-4 years. Gregorcyk said they need more labor, and not more fees. Labor would come with a cost, but if they want more inspection and be proactive, they need more labor. Baldwin agreed, but doesn't know if they need that yet, because they are already there flushing once a month. If they get targeted users in compliance, because a fine schedule initiates that, then instead of every month, it can be 3-6 months. Denk said staff will know if the grease interceptor is working. They have record-keeping requirements. There are requirements

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in the code as to when the pumping has to occur. If there is a drop-off in the amount of grease being captures, it is required to be recorded in their logs. Staff will know if something is off through the permitting process. LeMire said most restaurants would be required to have 1,000-2,000 gallon grease interceptors. Parts cost \$3,000-\$10,000, depending on what they have, and that doesn't include contractors. This is the reason for including two years to come into compliance. Baldwin said that would be for an existing business. Why does a new business, if they meet code, need two years? LeMire said the grace period for compliance only pertains to existing businesses. Garcia suggests, since this is a new program, they put it in place, and then see what issues they identify, and see if the operating fees are needed. Garcia suggests waiving the fee and letting staff implement learn and determine if a fee is necessary. Shute said that is a good idea; implement without the fee structure initially, provide education and mitigation makes sense. When a government levies a fee, the fee never goes away, so he would rather not initially levy it than consider taking it out later. Gregorcyk clarified that focus would be on item 3 of 13.35.035.9. Shute said items 3 and 4. Garcia confirmed items 3 and 4, and item 1 will be part of development. Shute said they will strike items 1 and 2. Gregorcyk asked what is empirical data period of time? One year? Two years? Garcia said a year would be sufficient. Shute said they can put in that council shall within 12 months enactment by ordinance impose fees as appropriate. Baldwin said as they educate businesses, if they don't have a fee structure, they may buy their time as much as possible.

Mayor Shute asked if this can be modified on the fly? City Attorney Denk recommended continuing this to another meeting. Baldwin asked if they want to do an education campaign and strike completely for now. Shute said no, they need to fix the language.

Councilmember Gregorcyk made a motion to table the adoption of an ordinance amending provisions of Chapter 13.35 of the Gardner Municipal Code and adding additional provision to this same chapter relating to Infiltration and Inflow Prevention and a program providing for the control of fat, oil and grease discharge to the Gardner Municipal Code to the August 3, 2020 meeting.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

OLD BUSINESS

NEW BUSINESS

1. Consider adopting an Ordinance amending the City of Gardner's Base Salary Structure-Fiscal Year 2019-2020

Human Resources Manager Alan Abramovitz stated they have a job title for an Engineering Technician II, but not an Engineering Technician I. Staff need to establish that job classification. It will help with recruitment. There are no additional costs associated with this item; they may be able to hire staff at a lower salary. Staff recommends the creation of an Engineering Technician I position for both the Utilities and Public Works departments in order to aid in recruitment of Engineering Technicians for both departments. This position will provide the City with increased flexibility when hiring for these difficult-to-fill positions, as it will allow for consideration of individuals who may not currently meet all of the requirements for an Engineering Technician II, but could eventually move into such a position with additional on-the-job experience and training. The Engineering Technician I position is intended to be the entry-level classification in the Engineering Technician position series, and will be distinguished from the existing Engineering Technician II position by its enhanced focus on performance of the more routine tasks.

Councilmember Gregorcyk asked for clarification - where is Engineering Tech II position listed on the salary structure? Abramovitz said it is in Level 4.

Councilmember Gregorcyk made a motion to adopt an ordinance adopting a revised City of Gardner Base Salary Structure - Fiscal Year 2019-2020.

Councilmember Baldwin Seconded.

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With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2669.

Melton:	Absent
Roberts:	Yes
Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes

COUNCIL UPDATES

Public Works Director Michael Kramer stated that the contractor on Waverly & 175th opened the intersection on Friday to the south and to the west. On Saturday, they opened to the north as well. They met their timeline despite setbacks. Santa Fe between Poplar and Waverly remains closed. Contractors are working with residents to ensure they can get to their homes. Waverly Rd north of the intersection will close again for utility work for 3-4 days. Staff will work with the school district on this. Last week, Kramer received notification from KDOT that the city received an additional \$1 million award for US 56 that was originally slated for 2022 and 2023 for the highway from Moonlight to Old 56. Staff worked with the Finance department to ensure they could work it into the budget. Plans are being made to combine the project with the existing project of Sycamore to Moonlight. Now the project will be from Sycamore to Old 56 Hwy as one project. Combining the projects could allow for cost savings, in addition to having only one construction timeframe. The city is receiving \$3 million from KDOT. The city was contributing \$1.7 million on the first project and then another \$700,000 for this additional project. Staff noted council will see the revised CIP in the budget. Mayor Shute said that is very good news, because that stretch of road is bad. Shortening the span by having that project moved up on the calendar and combining it with the first project is great. Councilmember Winters asked if they will do anything different as far as preparation or construction? Kramer said they will look at subgrade of the roadbed and a new pavement design. They expect it to go back as concrete, but they will look at asphalt as well. It's not just patching, but a complete pavement restoration, removal and replacement and addressing subgrade issues. Councilmember Gregorcyk asked if staff will work with New Century regarding the rail line that crosses 56 Hwy. Kramer confirmed. Shute said there are concerns with business owners regarding the road closure. Have staff started working on a plan for that? Kramer said they will have meetings with those affected and the design consultant. KDOT has made it clear that one lane each direction will be open. They try to maintain access to businesses as much as possible, and minimize the time that access must be closed. Some of the time during the project, driveways are put in with temporary surfacing so they can maintain access. Shute wanted businesses to know that the city is keeping their concerns in mind. Kramer noted they are working with Price Chopper on improvements that were delayed by them to coordinate with city projects, specifically the signalization turn lanes they've been asked to install.

Parks Director Jason Bruce noted that fall sports are TBD. Mayor Shute is getting questions, and asked Director Bruce to keep council informed.

Utilities Director Gonz Garcia shared that they had a spike on the water watch, but on average it's about 2.8. That is good news and he doesn't believe they will exceed the water watch. There will be a few more weeks of hot weather, so staff recommends keeping the water watch until early August. Garcia noted that he requested an emergency purchase for the Hillsdale Water Treatment Plant pond clean out. Hillsdale has two retention basins used to hold sediments generated from the backwash from clarifiers and filters. They typically clean one each year. Last September, they cleaned both ponds and removed one for the expansion project and are operating on one pond. It's been a year since the pond has been cleaned. They need to clean pond to remain in compliance with discharge. There's only one company can drain the pond while keeping it in operation. Nutri-Ject quoted \$76,400. They can only lower it 24", then the city will have to pay again to get another 24". One option is to send backwash to the new lagoon which will be completed in early August. They need to fill the lagoon to test for leaks. Staff spoke with Burns & Mac about running backwash into lagoon to fill and test rather than using raw water. They are waiting to hear from KDHE. Councilmember Baldwin asked if staff is confident KDHE will be comfortable with that without knowing if it will leak? Garcia said it's basically clean water to fill the lagoon, instead of wasting

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raw water from Hillsdale. Baldwin asked if the city recouped costs from pond cleanout last year when the company pulled out? City Attorney Denk said they weren't contractually obligated, it was an option and they would quote a number.

Mayor Shute asked Police Captain Krout about any updates on fireworks, and also about the shooting incident last week. Krout said there were no further updates from Capt. Hayes on fireworks, and there have been no more questions. Regarding the shooting, it's an on-going investigation and Krout can't discuss it openly. Detectives are working it. Shute asked if that was Johnson County detectives. Krout said no, it is a city investigation.

City Administrator Pruetting said council was expecting and update on the potential project east of Moonlight. The city communicated its position to the developer's representatives. The city didn't receive feedback at this point, but they have assurances that the project is moving forward as planned. As Pruetting gets additional information, he will update council.

Councilmember Gregorcyk noted that on July 8, he learned from Fox4 News that Super 8 had been set up for Covid. He had no issues with that, but the issue is that there was little to no communication from Shute to elected members or to senior staff. Gregorcyk called Shute at 10:27pm, and learned that Shute knew around 11am that day. By then, Sheriff Hayden had reached out to Fox4. He made a statement around noon, and then Commissioner Mike Brown made a statement around 6pm. Shute said both of those were without his knowledge. Gregorcyk said they were still without communication from the mayor. Gregorcyk asked how they can improve communications from the mayor to the elected members and senior staff so they can field concerns from the community. Shute responded, saying he was informed at 11:10am by the fire chief that there was going to be a non-congregate site; it was already set up. Shute notified the fire chief that he wanted to know what communication plan would be. The fire chief said there would be a joint response with the city, the fire district, and the sheriff department. No one at the city level had any knowledge of this. The sheriff's office was caught unaware, as Mr. Hayden shared in the Fox4 segment. Commissioner Brown called the mayor saying the same thing. Shute asked about the joint statement and asked what the city needed to do to put out communication. He heard nothing until 4pm when he was told that Hayden and Brown had made statements to Fox4. Shute said the city started working on its own press release and they did not have any information other than that there was a non-congregate site. Shute said he and City Administrator Pruetting were first formally notified by the county manager at the same time around 4:50pm. This was the email that Shute sent to the governing body. He acknowledged it was after 10pm because he didn't have full information and wasn't going to give a release to anyone without information. The information that was going out in the statement the city put out later that evening had information that the news didn't report. The city gave updated information. Could there be better communication, they could argue yes. Internally, they can learn something from this and make improvements. Regarding those thinking he was notified days in advance, he did not know days in advance. KDEM notified the county who notified the Emergency Operations person, who is not a city employee. The information was not passed to the city. Pruetting said the communication from the fire department was as soon as they received it. Shute said that was on the 3rd. Shute said it got lost in the shuffle between that staff and city leadership. There were communication lapses, and there is room for improvement. Gregorcyk appreciates the response. Shute said taking the few extra hours to get the right information out was prudent. Gregorcyk noted that the mayor learned about it at 11am, got nothing out for 12 hours. He was caught off guard that there was nothing from the mayor. He understands the validity of a group response, but he would have expected something sooner than 12 hours.

Mayor Shute thanked staff for their thorough work. They are still in flux, and the mayor looks forward to when they can have more staff in City Hall, but the city is running and moving forward.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Baldwin and seconded by Councilmember Winters the meeting adjourned at 9:05 p.m.

City Clerk